

Application Number: F/25/99109
Case Officer: David Huckfield
Received Date: 24/03/2025
Site Address: 1 Gatcombe Gardens, West End, Southampton, SO18 3NA
Applicant: Mr D Thompson
Proposal: Change of use from domestic garage to fitness studio / gym for personal training sessions (retrospective)

Recommendation:

REFUSE PLANNING PERMISSION

Reasons:

1. The change of use of the garage to a fitness studio / gym is considered to have a detrimental impact on the amenity of neighbouring residents by way of noise and disturbance arising from the training session activities as well as the comings and goings of users / clients, including from vehicle movements associated with the use. The proposals are therefore contrary to the provisions of Policies DM1 and DM8 of the Eastleigh Borough Local Plan 2016-2036 and Paragraph 135 of the National Planning Policy Framework.
2. The proposals fail to provide for an adequate level of on-site car parking to serve the end use which it is considered would result in overspill and inconsiderate parking onto the public highway, to the detriment of amenity and highway and pedestrian safety. The application is therefore contrary to the provisions of Policy DM14 of the Eastleigh Borough Local Plan 2016-2036 and Paragraph 109 of the National Planning Policy Framework.

Informatives:

Note to Applicant: In accordance with paragraph 38 of the National Planning Policy Framework, Eastleigh Borough council take a positive approach to the handling of development proposals so as to achieve, whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner.

Note to Applicant: Following the refusal of retrospective planning permission, the case will be passed to the Planning Enforcement team for investigation.

You will be contacted by the Planning Enforcement team to discuss the options available.

An Enforcement Notice may be served and depending upon the nature of the development, the Notice will state what you are required to do.

Should you wish to appeal the refusal you must do so to the Planning Inspectorate as outlined in the accompanying notes. The appeal must be submitted within 6 months of the date of this decision.

If you intend to appeal the Council's decision, please email Planning Enforcement as soon as possible: enforcements@eastleigh.gov.uk

Description of application

2. The application seeks approval for the conversion of a single garage at No. 1 Gatcombe Gardens to a fitness studio / gym for personal training sessions. The submitted plans also show an additional car parking space to be provided on the site frontage adjacent to the property's existing driveway. The conversion of the garage has already taken place, with the planning application form stating that the change of use commenced in May 2021. The proposed extension to the driveway has yet to be formerly carried out.

The site and its surroundings

3. The application site is comprised of a single garage which partly adjoins No. 1 Gatcombe Gardens, a link-detached, 4-bedroom residential dwelling, with the garage also sharing a party wall to its southern side with that of the neighbouring residential property, No. 2 Gatcombe Gardens. There is a traditional garage door to the front (western) side of the garage, with a secondary door to the northern side, with the latter being used for client access to the premises.
4. The property lies on a corner plot at the entrance to Gatcombe Gardens from Townhill Way, with the dwelling being set in a moderately elevated position relative to the road. The property has off-road parking provided by way of a driveway along the southern side of the dwelling, with private amenity space to the east which is laid to patio and also incorporates a timber domestic outbuilding. Gatcombe Gardens is a residential, multi-headed cul-de-sac which is comprised of detached, link-detached and semi-detached dwellings of a mixture of designs and styles.

Relevant planning history

5. The planning history on file for the application site is as follows:
 - Z/16276/001 – Residential development at Upper Townhill Farm, Swaythling Road, West End – Outline Permission Granted (1979)
 - Z/26050/001 – Erection of 50 dwellings at Area 5, Townhill Farm, West End – Approved (1983)

Summary of representations received

6. 41 letters of support and 11 letters of objection have been received, in addition to a petition containing 50 signatures in objection to the application, with the following matters being raised (summarised):

In support:

- The gym supports local people with personal fitness, health, confidence and mental wellbeing.
- The gym supports and is a great space for the local community.
- The proposals do not affect the area or the wider community.
- There is a notable demand for individualised fitness programs, and this gym specifically addresses this need.
- Provides a space for people who don't want to use larger commercial gyms to get fit.
- Supports people of all ages and abilities to feel comfortable and exercise.
- Supports a local family business and provides a valuable opportunity for the applicant to generate income to support themselves and their family.
- The facility is for personal training and private use only and is not a 24hr commercial gym.
- The gym operates responsibly with minimal disruption to neighbours.
- There is sufficient parking availability.
- The capacity to accommodate a couple of extra cars poses no greater disruption than visitors arriving at a neighbouring property for an evening / entertainment or other social gatherings.
- No external changes are proposed to the property and the property's appearance maintains the neighbourhood's aesthetic appeal.
- The gym makes use of an underutilised space.

In objection:

- The area is residential and not suitable for a commercial gym.
- As a commercial fitness studio/gym, it should be located in a commercial setting away from residential properties.
- Lack of parking / inconsiderate parking by users of the premises which creates highway and pedestrian safety risks.
- Noise disruption due to the use of the gym from early morning to late in the evening, including from the dropping of gym weights, shouting, noise from fitness equipment and activities, car engines, doors banging, and music.
- Vibration through the ground slab into neighbouring properties.
- Damage to the adjoining neighbour's party wall.
- The webpage of the gym advertises it as being always open (24 hours) for new and existing clients.
- The gym has never been used solely for 1:1 sessions, multiple group sessions of 3 to 4 people continue to take place.
- 80% of the people who have commented on the application do not live near the property.
- Concerns as to how the use would be managed and monitored to ensure any conditions are met if planning permission was granted.

Response to representations

7. The issue of the impact of the development/use on the party wall with the neighbouring property and any perceived damage that may or may not have occurred is a civil matter between the respective property owners and is not therefore a material planning consideration. In terms of the reference made to the representations received and where those who have commented live, anybody has the right to comment on a planning application regardless of whether they are a direct neighbour to an application site or not, and all comments received are reviewed and duly considered as part of the Local Planning Authority's assessment of the proposals.

Consultation responses

West End Parish Council

8. Object on the grounds that the change of use would adversely impact parking in the area.

Environmental Health

9. Thank you for consulting the pollution team regarding planning reference F/25/99109 related to 1 Gatcombe Gardens, West End, SO18 3NA for the change of use from domestic garage to fitness studio / gym for personal training sessions (retrospective).
10. After reviewing the information provided, I have some serious concerns regarding noise arising from multiple car movements specially in the early morning and late evenings. The garage/gym is located in close proximity to other neighbouring residential properties and the commercial use of the garage and the constant movement of people and vehicles in the vicinity creates a risk of noise nuisance specially in a residential area like Gatcombe Gardens.
11. The opening of the rear window when additional ventilation is required is also a risk in terms of noise due to background music. Furthermore, commercial gym guidance (Sport England Design Guidance Note: Fitness and Exercise Spaces (2008) and Building Regulation Approved Document F requires a commercial Gym to maintain a temperature of 16 to 18°C this will not be possible specially in the summer without cooling plant. The installation of any cooling plant in this premisses will increase the risk of noise nuisance even more.
12. Parking in the area, as evidence shows, is not widely available and may increase the risk of vehicle idling while waiting for the gym slot causing nuisance.
13. Overall, I object to this application based on noise, lack of ventilation and parking.

Hampshire County Council Highways

14. In regard to application F/25/99109, having reviewed the information contained within the application pack, there would be no objection to the proposals from a

highway perspective. However, this would be on the understanding that the additional car parking space proposed on plans is implemented (essentially client parking), and that the Case Officer considers placing a condition that classes are indeed retained at 1:1 to ensure no more than one client is on site at any one time.

15. Gatcombe Garden's is a relatively constrained close, and without such a restriction there is the potential for multiple users to obstruct footways or free vehicle movement within the close which would not be welcomed.
16. Recommended Condition: *Before use of the development is commenced 3 car parking spaces shall be provided within the curtilage of the site and subsequently maintained and kept available solely for that purpose, in accordance with the approved 'Proposed Change of Use of Existing Personal Gym – Drawing No.01'. Reason - To ensure adequate car parking provision within the site.*

Policy context: designation applicable to site

- Within the Urban Edge
- Within an Established Residential Area

Legislative provisions, development plan policies, SPD's and National planning policy

Legislative provisions

17. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require a local planning authority determining an application to do so in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan

18. The Development Plan comprises of the policies of the adopted Eastleigh Borough Local Plan 2016-2036. The following policies are of relevance to the application: S1 (Delivering sustainable development), DM1 (General criteria for new development), DM2 (Environmentally sustainable development), DM3 (Adaption to climate change), DM8 (Pollution), DM13 (General development criteria – transport), DM14 (Parking), DM36 (Community, leisure and cultural facilities).

Supplementary planning documents / associated guidance

19. The following supplementary planning documents (SPDs) are considered to be of relevance to the application:
 - Quality Places (November 2011)
 - Residential Parking Standards (January 2009)
 - Parking Standards SPD (Consultation Draft July 2023)

- Character Area Appraisals – Hedge End, West End and Botley (January 2008) – Area HEWEB 56 (*Summary Description Only - 1970s/ 1980s/ 1990s terraced/detached development on multi-headed cul-de-sacs to the north west of West End*).

National planning policy and guidance

20. The latest iteration of the National Planning Policy Framework (the NPPF or Framework) was published in December 2024 and, as set out within paragraph 231, the policies contained within it are material considerations which should be taken into account in dealing with applications from the day of its publication. The Planning Practice Guidance provides additional guidance in support of the policies within the Framework and is also a material consideration in the determination of the application.

Assessment of proposals

Background information

21. As limited information was provided with the initial submission and to give additional context and background to the proposals, the applicant provided further details on the operations of the business during the Case Officer's site visit. They explained that the business operations within the gym take place Monday to Friday, with no sessions being offered to clients on weekends. The first appointment is available from 6.30am, with the final appointment/session of the day finishing at 8.30pm. The two residents of the property run the business but only 1 of them would be carrying out a session within the gym space at any one time.
22. Sessions are offered on the basis of 1-hour slots and run / are bookable back-to-back, with an estimated average of 2 to 6 sessions a day being held depending on the day of the week and the level of demand. The outdoor area at the property is not used for sessions, and all training is carried out within the gym/studio space. The main garage door (on the western elevation) is kept closed at all times with clients accessing the premises via a gate to the front (north) of the property and then through a side door in to the garage. This side door is also kept closed during sessions, but a rear window may be opened if additional ventilation is required. Background music is played during sessions using a portable speaker, with the applicant advising that they seek to limit the levels due to the need for clients to be able to hear instructions and/or feedback from the instructor.
23. The applicant also advised that group sessions are part of the business, but had stated that these are now run from a different premises elsewhere within Hedge End and that sessions would be run on a one-to-one basis only from the gym/studio space at the property. Whilst some of their advertising refers to services being offered 24 hours a day, the applicant has advised that this is in relation to the support they offer to clients, but sessions are only run from the gym space between 6.30am and 8.30pm – outside of these times, support and advice is offered virtually or online / by text. Clients are always accompanied

when on site (i.e. there is no direct access available that would allow independent usage of the gym space).

Principle of development

24. The site lies within the urban edge as defined on the Local Plan policies map and where the basic principle of development is considered to be acceptable. In addition, and also of relevance to the particular nature of the development proposed in this case, is Policy DM36 of the Local Plan which, amongst other things, relates to the provision of leisure facilities within the Borough. This policy seeks to focus such facilities within town, district and local centres where they would be most accessible.
25. Any proposals for such facilities within the urban edge but outside of these centres, as in this case, are required by Policy DM36 to demonstrate that: they are readily accessible to the communities they are intended to serve by a variety of modes of transport; there is no adverse impact on existing and proposed centres; and, there are no suitable, viable and available sites within an existing centre or edge of centre location.
26. Whilst the site is reasonably accessible, including by more sustainable modes of travel such as walking, cycling, and public transport with a bus stop being situated along Townhill Way in close proximity to the site, and the convenience of the location is appreciated in so far as it allows the applicant to run their business from home, it has not been demonstrated that there are no alternative sites within an existing centre or edge of centre location that could accommodate this use. On balance, however, and taking account of the size of the premises which is limited to that of the extent of what was a single garage, it is not considered that the proposals would have an adverse impact on existing or proposed centres within the Borough that would be such as to justify the refusal of the application on these grounds.

Main issues for consideration and reasons

27. The conversion of the garage has had little or no impact on the physical appearance of the property as seen from its wider surroundings, with no extensions or additions having been undertaken to the exterior of the building. The proposed parking space could be separately undertaken under Permitted Development (as has been highlighted on the submitted site layout plan). It, however, raises no particular concerns from a visual perspective, with frontage parking being evident elsewhere in the immediate locality and also being relatively characteristic of the surrounding area. It was also noted on the date of the Case Officer's site visit that the area where the proposed additional space is proposed, was already being used for parking on an informal basis.
28. The main issues for consideration, therefore, concern the appropriateness of the proposed commercial use within what is the domestic curtilage of a residential property, having regard to its effects on the living conditions of the occupiers of neighbouring properties in respect of noise and disturbance, as well as upon highway safety, particularly in relation to the adequacy of the

levels of available parking provision.

29. The information provided by the applicant is that the training sessions are carried out on a one-to-one basis from the premises and would be so moving forward, with this also being what has specifically been applied for as part of the planning application – this is denoted within the description of development stated on the application form as well as by way of an annotation on the submitted site layout plan.
30. Third party comments received in relation to the application have additionally referred to group sessions also having been undertaken, with some evidence having been referred to in this respect. The applicant has advised that such sessions, whilst offered by the business as noted above, would now take place from a different premises elsewhere within nearby Hedge End. In any event, it is necessary to assess and determine an application on the basis of what permission has been sought for which, as noted above, is the use of the converted garage space for one-to-one personal training, albeit the ability to control or limit such a use, through planning conditions for example, is a material consideration.
31. Even on the basis of one-to one training only being carried out, however, there are notable concerns regarding the appropriateness and intensity of the use in this location and its associated impacts on amenity and highway safety. As noted above, the use would take place within the curtilage of a dwellinghouse which lies at the entrance to a residential cul-de-sac, with the garage the subject of the application also sharing a party wall with that of the neighbouring dwelling, No. 2 Gatcombe Gardens.
32. Given the context of the site and the nature of the use, the Council's Environmental Health Officer (EHO) has objected to the proposals, with one of the grounds being on the basis of noise generation and the potential for this to cause undue disturbance to neighbouring occupiers. In this respect, noise from gyms can be generated through the use of exercise equipment itself, through music used to motivate those exercising, or through raised voices.
33. Whilst the applicant has advised that the music played is limited to background levels only, such matters are difficult to control and there is still the potential for both this, and the activities carried out, to be audible to the neighbouring occupier and incompatible with their use and enjoyment of their rear garden space in particular. This would be notably the case when the rear window of the gym/studio is opened for additional ventilation as alluded to by the EHO, who has also highlighted that alternative cooling mechanisms (i.e. the use of plant / air conditioning etc.) that could be used to maintain the required temperatures, in themselves pose a risk of noise nuisance.
34. Noise and disturbance, however, would not be solely from the carrying out of training sessions in the gym/studio, and would also incorporate that which is generated by the comings and goings of people to and from the premises, including by way of noise from vehicle movements associated with the use which could occur from both the opening and closing of vehicle doors as well as

from vehicle engines (i.e. starting up of engines, idling etc.).

35. In this regard, even one-to-one sessions could generate 2 vehicle movements (i.e. each client arriving and leaving) and given the number of daily sessions, which the applicant has advised can average up to 6 a day, which may be carried out on a back-to-back basis such that a client could be leaving and another arriving at the same time, and which can span across the day at any time between 6.30am and 8.30pm, there would be a level of noise generated that would be greater than would be expected within a residential location, particularly within a cul-de-sac where such movements are more limited. This would be particularly the case in the early mornings and evenings which, whilst noting allows greater flexibility for clients (i.e. for them to potentially train before and after work), extends into times when residents would have more of an expectation for a greater level of peace and quiet. It would also be very difficult to limit and control the number of sessions given the aforementioned operating times and, as such, there is potential for the use to intensify further beyond the current levels stated, which would only serve to compound the impacts identified.
36. In terms of parking, whilst noting that one additional space would be provided on the frontage of the site, as noted above even with one-to-one training there could be a crossover of clients with back-to-back sessions which could lead to overspill parking (i.e. when one client is finishing and another is arriving and waiting for their time slot) which, given the corner location of the site within the cul-de-sac and it's position adjacent to the Townhill Way Roundabout, would not be welcomed in this location, with the risk that such parking could be obstructive to both the highway and the pedestrian footway. Again, this would be particularly the case in the early mornings and evenings when residents are more likely to be at home and the demand for any on road parking that is available would thereby be at its highest.
37. Taking account of these factors, the proposals are considered to be contrary to Policies DM1, DM8 and DM14 of the adopted Local Plan which respectively require that development should not have an unacceptable impact on, and where possible should enhance, residential amenities of residents, and that an appropriate level of on-site parking be provided to serve the proposed end use.

Environmentally sustainable development and climate change

38. In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

39. The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. Neither the NPPF nor the adopted Local Plan set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of national and local planning policy. The need to support the economy is part of the Strategic Environmental Assessment for the Local Plan, as is an assessment of climate impacts.
40. The NPPF, Policies S1, DM2 and DM3 of the Local Plan and the Council's adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. In this particular instance and when considering the impact of climate change, the proposed development would be expected to be resilient to its potential effects.

Equalities implications

41. Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states that:

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups.

42. It is not considered that this application raises any equality implications.

Conclusion

43. In conclusion, whilst it is acknowledged that the proposals would have some economic and social benefits in terms of supporting a local business as well as providing an exercise facility which can promote health and wellbeing, these benefits would not outweigh the harm identified in relation to amenity and highway safety that would arise from the proposals and the conflict with the development plan in these regards. There are no other material considerations that would justify a decision otherwise than in accordance with the development plan and, accordingly, it is recommended that planning permission be refused.